

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
GABINO GENAO,

Plaintiff,

-against-

CITY OF NEW YORK, WARDEN HARVEY,  
CAPTAIN DILLARD, CAPTAIN MOISE, OFFICER  
LISICHKIN, OFFICER HIDALGO, OFFICER LA  
TOUCHE, COMMISSIONER BRANN, OFFICER  
FERSOV,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY  
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21 Civ. 303 (AT) (VF)

**ORDER ADOPTING  
REPORT AND  
RECOMMENDATION**

Having received no objections to the Report and Recommendation (the “R&R”), ECF No. 97; *see* ECF No. 104, of the Honorable Valerie Figueredo, the Court reviewed the R&R for clear error and found none. *See Oquendo v. Colvin*, No. 12 Civ. 4527, 2014 WL 4160222, at \*2 (S.D.N.Y. Aug. 19, 2014).

The Court, therefore, ADOPTS the R&R in its entirety. Accordingly, Defendants’ motion for summary judgment, ECF No. 74, is GRANTED in part and DENIED in part. Specifically, Defendants’ motion is GRANTED as to the following claims: municipal liability, claims under 18 U.S.C. § 1001, deliberate indifference to medical needs as it relates to the rear-handcuffing, and the conditions of confinement as it relates to the denial of property, linens, blankets, and breakfast. R&R at 33. Defendants’ motion is DENIED as to the claims of deliberate indifference to medical needs and conditions of confinement based on the failure to decontaminate. *Id.*

The Court shall issue a separate order setting a trial date and related pre-trial deadlines in due course. The Clerk of Court is directed to terminate the motion at ECF No. 74, and mail a copy of this order to Plaintiff *pro se*.

SO ORDERED.

Dated: July 19, 2023  
New York, New York

  
ANALISA TORRES  
United States District Judge